

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

AKIA STANTON,

Plaintiff,

v.

JARVIS CHRISTIAN COLLEGE,

Defendant.

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CIVIL ACTION NO. 6:18-CV-00479-JDK

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**


This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The parties cross-moved for summary judgment. On October 9, 2019, the Magistrate Judge issued a Report and Recommendation, recommending that Plaintiff's partial summary judgment motion (Docket No. 43) be denied and that Defendant's motion for summary judgment (Docket No. 42) be granted in part and denied in part. Docket No. 55. As to Defendant's motion, the Magistrate Judge recommends (1) granting the motion in part by dismissing with prejudice Plaintiff's claims for retaliation and discrimination under 42 U.S.C. § 2000e(2)(a) ("Title VII") and for libel under Texas law and (2) denying the motion in part with respect to Plaintiff's claims under the Family Medical Leave Act (FMLA). *Id.* Plaintiff Akia Stanton did not file any objections to the Report and Recommendation. Defendant Jarvis Christian College filed objections to the portions of the Report recommending denial of its summary judgment motion. Docket No. 57.

This Court reviews the objected-to portions of a Report and Recommendation de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and

makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). The Court reviews all unobjected-to portions of the Report only for clear error or abuse of discretion. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Applying that standard of review here, the Court concludes that Defendant's objections are without merit and that the findings and conclusions of the Magistrate Judge are correct. Accordingly, the Court **ADOPTS** the Report and Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court. All objections are **OVERRULED**. Defendant's motion for summary judgment (Docket No. 42) is **GRANTED** as to Plaintiff's claims for Title VII discrimination, Title VII retaliation, and libel, and these claims are **DISMISSED WITH PREJUDICE**. Defendant's motion for summary judgment (Docket No. 42) is **DENIED** as to Plaintiff's claims for FMLA retaliation and interference. Plaintiff's partial motion for summary judgment (Docket No. 43) is **DENIED**.

So **ORDERED** and **SIGNED** this **13th** day of **November, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE